



Image

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Otis Franklin Bell ) Examiner  
Serial No.: 10/082,598 ) Fletcher III, W.P.  
Filed: 02/22/2002 ) Art Unit  
For: CARBOXYLIC ACID CONTAINING ) 1762  
PROTECTIVE COATING COMPOSITIONS)  
AND METHODS OF USE THEREOF )

April 2004

PETITION FOR REVIVAL OF  
AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)

STATEMENT ESTABLISHING UNINTENTIONAL DELAY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

The Applicant states that the entire delay in filing the notification of foreign filing within forty-five (45) days subsequent to the filing of the subject application in a foreign country was unintentional.

A PCT application on the subject U.S. patent application was filed in the U.S. Receiving Office on February 20, 2003.

The Notice to Rescind Previous Non-publication Request is filed herewith.

The Applicant did not realized that the Notice to Rescind has not been filed until payment was being prepared for the issue fee and no publication fee was listed on the Notice of Allowance.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the present application or any patent issuing thereon.

Respectfully submitted,



Walter A. Hackler, Reg. No. 27,792

Attorney of Record

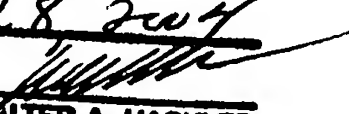
2372 S.E. Bristol, Suite B

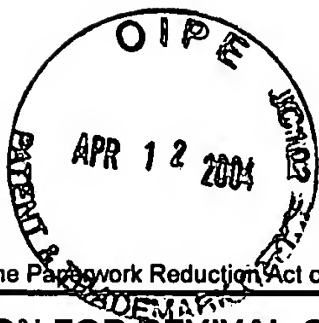
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I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS  
BEING DEPOSITED WITH THE U.S. POSTAL SERVICE  
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4/8/04  
(DATE SIGNED) April 8, 2004  
  
WALTER A. HACKLER  
REG. NO. 27,792

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
2871

First named inventor: OTIS FRANKLIN BELL

Application No.: 10/082,598

Art Unit: 1762

Filed: 02/22/2002

Examiner: WILLIAM P. FLETCHER III

Title: **METHOD OF TEMPORARILY PROTECTING A SURFACE BY APPLICATION OF A COATING  
COMPOSITION HAVING A CARBOXYLIC ACID-CONTAINING POLYMER FILM FORMING COMPONENT**

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

☒ Small entity-fee \$ 665 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in  
the form of NOTICE TO RESCIND NON-PUBLICATION REQUEST (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

04/13/2004 MGE BREM1 00000073 10082598

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665.00 OP

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2*

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

### 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. **STATEMENT:** The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

APRIL 8, 2004

Date

Signature

Telephone  
Number:

(949) 851-5010

WALTER A. HACKLER, Ph.D.

Typed or printed name

2372 S.E. BRISTOL STREET, SUITE B

Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

NEWPORT BEACH, CALIFORNIA 92660-0755

Address

### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

APRIL 8, 2004

Date

Signature

WALTER A. HACKLER

Type or printed name of person signing certificate